REMARKS

This application is under final rejection. Applicant has presented arguments herein below that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the arguments to clarify issues upon appeal.

This communication is in response to the Office Action dated December 19, 2003. Claims 1-48 are pending in the present Application. Claims 1-48 have been rejected. Claims 1-48 remain pending in the present Application.

The present invention provides for a method of configuring a disk array wherein the method comprises using a high-level language description to configure the disk array.

103 Rejections

Claims 1-4, 13, 28,31,32,35 and 36

The Examiner states:

> Claims 1-4, 13, 28, 31, 32, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolby et al, US Patent No. 5,630,025 in view of Deckers, US Patent No. 6,650,961.
>
> As per claim 1, Dolby et al discloses configuring a data storage system, using a high-level description to configure the data storage system (col. 2 lines 30-34, col. 7 lines 25-42).
>
> Dolby et al does not explicitly disclose the data storage system is a disk array. However, Deckers discloses configuring a disk array (col. 2 lines 17-24).
>
> Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of Deckers into the teaching of Dolby et al to have the data storage system to be a disk array because one would want to be able to provide rapid data storage and retrieval and high levels of storage capacity.

Applicant respectfully disagrees and asserts that the Deckers patent was filed on August 7, 2001 whereas the present patent application was filed on January 6, 2001. Consequently, the Deckers reference does not constitute prior art under 35 USC 103(a). Accordingly, claims 1 and 13 are allowable over the Examiner's proposed rejection.

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Since claims 2-4, 28, 31, 32, 35 and 36 are respectively dependent on claims 1 and 13, the above-articulated argument with regard to claims 1 and 13 apply with equal force to claims 2-4, 28, 31, 32, 35 and 36. Accordingly, claims 2-4, 28, 31, 32, 35 and 36 should be allowed over the Examiner's proposed combination of references.

Claims 5-10, 12, 14-24, 26, 27, 29, 30, 33-34, 37-48

The Examiner states:

> Claims 5-10, 12, 14-24, 26, 27, 29, 30, 33-34, 37-48 are rejected under 35 USC 103(a) as being unpatentable over Dolby et al US Patent No. 5,630,025 in view of Deckers US Patent No. 6,650,961 further in view of Motoyama et al U.S. Patent No. 6,578,090.
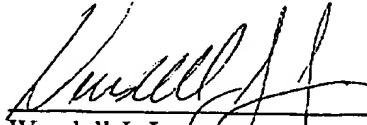
Applicant asserts that the above-delineated argument with regard to the Deckers reference applies to independent claims 20 and 27. Accordingly, claims 20 and 27 are allowable over the Examiner's proposed rejection.

Since claims 5-10, 12, 14-19, 21-24 26, 26, 29, 30, 33-34 and 37-48 are respectively dependent on claims 1, 13, 20 and 27, the above-articulated argument with regard to claims 1, 13, 20 and 27 apply with equal force to claims 5-10, 12, 14-19, 21-24 26, 26, 29, 30, 33-34 and 37-48. Accordingly, claims 5-10, 12, 14-19, 21-24 26, 26, 29, 30, 33-34 and 37-48 should be allowed over the Examiner's proposed combination of references.

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Applicant believes that this application is in condition for allowance.
Accordingly, Applicant respectfully requests reconsideration, allowance and passage to
issue of the claims as now presented. Should any unresolved issues remain, Examiner is
invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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